

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MARY L. CHAPPEL,

Plaintiff

v.

C-1-09-865

COMMISSIONER OF
SOCIAL SECURITY,

Defendant

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate (doc. no. 22) granting in part plaintiff's Motion for Attorney Fees and Costs Under the Equal Access to Justice Act ("EAJA") (doc. no. 18) to which there are no objections.

Upon a *de novo* review of the record, the Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the recommendation of the Magistrate Judge.

Accordingly, the Court hereby ADOPTS AND INCORPORATES HEREIN BY REFERENCE the Report and Recommendation of the United States Magistrate Judge (doc. no. 22). Plaintiff's Motion for Attorney Fees Under the Equal Access to Justice Act (doc. no. 18) is GRANTED IN PART. Plaintiff requests an hourly rate increase to \$160.00 per hour; however, plaintiff has submitted only the Consumer Price Index (CPI) to support her claim for an increase, which the Sixth Circuit has said is simply "not enough" to justify an increase. *Bryant*, 578 F.3d at 450; *see also Bushor v. Comm'r of Soc. Sec.*, 2011 U.S. Dist. LEXIS 86805 (S.D. Ohio Aug. 5, 2011)(J. Barrett). Accordingly, plaintiff has failed to meet her burden of producing appropriate evidence. The defendant shall pay plaintiff the amount of \$2,375.00 in attorney fees which will satisfy all of plaintiff's claims for fees, costs and expenses under the EAJA, 28 U.S.C. § 2412.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court